

CHAPTER 231†

EMINENT DOMAIN COMPENSATION COMMISSIONERS

H. F. 13

AN ACT relating to the selection of the compensation commissioners.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section four hundred seventy-two point four (472.4),
2 Code 1971, is amended as follows:

3 472.4 **Commission to assess damages.** Annually the board of
4 supervisors of a county shall appoint not less than twenty-eight resi-
5 dents of the county and the names of such persons shall be placed on
6 a list and they shall be eligible to serve as members of a compensation
7 commission. One-fourth of the persons appointed shall be owner-
8 operators of agricultural property, one-fourth of the persons appointed
9 shall be owners of city or town property, one-fourth shall be licensed
10 real estate salesmen or real estate brokers, and one-fourth shall be
11 persons having knowledge of property values in the county by reason
12 of their occupation, such as bankers, auctioneers, property managers,
13 property appraisers, and persons responsible for making loans on
14 property.

15 The chief judge of the judicial district shall select by lot six persons
16 from the list, two persons who are owner-operators of agricultural
17 property when the property to be condemned is agricultural property;
18 two persons who are owners of city or town property when the prop-
19 erty to be condemned is other than agricultural property; and two
20 persons from each of the remaining two representative groups, who
21 shall constitute a compensation commission to assess the damages to
22 all property to be taken by the applicant and located in the county,
23 and shall name a chairman from the persons selected. No member of
24 the compensation commission selected shall possess any interest in the
25 proceeding which would cause such person to render a biased decision.

Approved March 5, 1971.

†See Editor's note, page iii.

CHAPTER 232

EMINENT DOMAIN APPRAISEMENT

H. F. 215

AN ACT relating to notice of compensation commission appraisal of damages and appeal from the damages award.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section four hundred seventy-two point eighteen
2 (472.18), Code 1971, is amended by striking the section and inserting
3 in lieu thereof the following:

4 472.18 **Notice of appraisal—appeal of award.** After the ap-
5 praisal of damages has been delivered to the sheriff by the com-
6 pensation commission, the sheriff shall give written notice, by ordi-

7 nary mail, to the condemnor and the condemnee of the date on which
 8 the appraisalment of damages was made, the amount of the appraisal-
 9 ment, and that any interested party may, within thirty days from the
 10 date of mailing the notice of the appraisalment of damages, appeal to
 11 the district court. The sheriff shall endorse the date of mailing of
 12 notice upon the original appraisalment of damages. At the time of
 13 appeal, the appellant shall give written notice that the appeal has been
 14 taken to the adverse party, or his agent or attorney, lienholders, and
 15 the sheriff.

Approved May 20, 1971.

CHAPTER 233

DISPOSSESSION UNDER CONDEMNATION

H. F. 347

AN ACT relating to the dispossession of a landowner under condemnation proceedings for highway purposes.

Be It Enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Section four hundred seventy-two point twenty-six
 2 (472.26), Code 1971, is amended as follows:

3 **472.26 Dispossession of owner.** A landowner shall not be dispos-
 4 sessed, under condemnation proceedings, of his residence, dwelling
 5 house, outhouse, orchard, or garden, until the damages thereto have
 6 been finally determined and paid. *However, if the property described*
 7 *in this section is condemned for highway purposes by the highway*
 8 *commission, the condemning authority may take possession of the*
 9 *property either after the damages have been finally determined and*
 10 *paid or one hundred eighty days after the compensation commission*
 11 *has determined and filed its award, in which event all of the appraise-*
 12 *ment of damages shall be paid to the property owner before the dis-*
 13 *possession can take place. This section shall not apply to condemna-*
 14 *tion proceedings for drainage or levee improvements, or for public*
 15 *school purposes. This Act shall be applicable to condemnation pro-*
 16 *ceedings pending on the effective date of this Act; it being provided*
 17 *that, as to such proceedings, unless damages have been finally deter-*
 18 *mined and paid, the landowner shall not be dispossessed until one hun-*
 19 *dred eighty days after the effective date of this Act.*

1 SEC. 2. This Act, being deemed of immediate importance, shall
 2 take effect and be in force from and after its publication in The Cedar
 3 Rapids Gazette, a newspaper published in Cedar Rapids, Iowa, and in
 4 The Telegraph-Herald, a newspaper published in Dubuque, Iowa.

Approved June 11, 1971.

I hereby certify that the foregoing Act, House File 347, was published in The Cedar Rapids Gazette, Cedar Rapids, Iowa, June 14, 1971, and in The Telegraph-Herald, Dubuque, Iowa, June 14, 1971.

MELVIN D. SYNHORST, *Secretary of State.*

Italics indicate new material added to existing statutes; brackets indicate deletions from existing statutes. However, see Editor's note, page iii.